

LEGISLATURE OF NEBRASKA  
NINETY-SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 43**

Introduced by Landis, 46

Read first time January 4, 2001

Committee: Transportation and Telecommunications

A BILL

- 1 FOR AN ACT relating to motor vehicles; to amend sections 60-605 and
- 2 60-699, Reissue Revised Statutes of Nebraska, and section
- 3 60-601, Revised Statutes Supplement, 2000; to include
- 4 certain information about mobile telephones in accident
- 5 reports; to define a term; to harmonize provisions; and
- 6 to repeal the original sections.
- 7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 60-601, Revised Statutes Supplement,  
2   2000, is amended to read:

3           60-601. Sections 60-601 to 60-6,374 and section 3 of  
4   this act shall be known and may be cited as the Nebraska Rules of  
5   the Road.

6           Sec. 2. Section 60-605, Reissue Revised Statutes of  
7   Nebraska, is amended to read:

8           60-605. For purposes of the Nebraska Rules of the Road,  
9   the definitions found in sections 60-606 to 60-676 and section 3 of  
10   this act shall be used.

11          Sec. 3. Mobile telephone shall mean any type of wireless  
12   telecommunications device, whether hand-held or hands-free.

13          Sec. 4. Section 60-699, Reissue Revised Statutes of  
14   Nebraska, is amended to read:

15          60-699. (1) The operator of any vehicle involved in an  
16   accident resulting in injuries or death to any person or damage to  
17   the property of any one person, including such operator, to an  
18   apparent extent of more than five hundred dollars shall within ten  
19   days forward a report of such accident to the Department of Roads.  
20   If the operator is physically incapable of making the report, the  
21   owner of the motor vehicle involved in the accident shall, within  
22   ten days from the time he or she learns of the accident, report the  
23   matter in writing to the Department of Roads. The Department of  
24   Roads or Department of Motor Vehicles may require operators  
25   involved in accidents to file supplemental reports of accidents  
26   upon forms furnished by it whenever the original report is  
27   insufficient in the opinion of either department. The operator or  
28   the owner of the motor vehicle shall make such other and additional

1 reports relating to the accident as either department requires.  
2 Such records shall be retained for the period of time specified by  
3 the State Records Administrator pursuant to the Records Management  
4 Act.

5 (2) The report of accident required by this section shall  
6 be in two parts. Part I shall be in such form as the Department of  
7 Roads may prescribe and shall disclose full information concerning  
8 the accident. Part I shall include information which indicates  
9 whether or not a mobile telephone was present in the vehicles  
10 involved and whether the use of the mobile telephone is known or is  
11 suspected as a contributing factor in the accident. Part II shall  
12 be in such form as the Department of Motor Vehicles may prescribe  
13 and shall disclose sufficient information to disclose whether or  
14 not the financial responsibility requirements of the Motor Vehicle  
15 Safety Responsibility Act are met through the carrying of liability  
16 insurance. The form used for the report shall be so perforated  
17 that the parts may be readily separated.

18 (3) Upon receipt of a report of accident, the Department  
19 of Roads shall determine the reportability and classification of  
20 the accident and enter all information into a computerized data  
21 base. Upon completion, the department shall separate the parts of  
22 the accident report and shall forward Part II of the report to the  
23 Department of Motor Vehicles for processing as provided in section  
24 60-506.01.

25 (4) Such reports shall be without prejudice. All reports  
26 made by peace officers, made to or filed with peace officers in  
27 their respective offices or departments, or filed with or made by  
28 or to any other law enforcement agency of the state shall be open

1 to public inspection, but accident reports filed by the operator or  
2 owner of a motor vehicle pursuant to this section shall not be open  
3 to public inspection. The fact that a report by an operator or  
4 owner has been so made shall be admissible in evidence solely to  
5 prove a compliance with this section, but no such report or any  
6 part of or statement contained in the report shall be admissible in  
7 evidence for any other purpose in any trial, civil or criminal,  
8 arising out of such accidents nor shall the report be referred to  
9 in any way or be any evidence of the negligence or due care of  
10 either party at the trial of any action at law to recover damages.

11 (5) The failure by any person to report an accident as  
12 provided in this section or to correctly give the information  
13 required in connection with the report shall be a Class V  
14 misdemeanor.

15 Sec. 5. Original sections 60-605 and 60-699, Reissue  
16 Revised Statutes of Nebraska, and section 60-601, Revised Statutes  
17 Supplement, 2000, are repealed.